



W.P(MD)No.21727 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 24.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

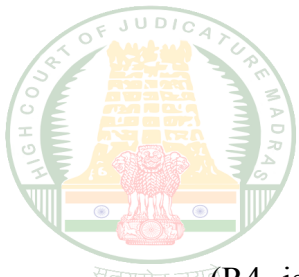
W.P(MD)No.21727 of 2019

T.Pushpanathan

... Petitioner

Vs

- 1.The Director of Elementary Education,
O/o the Director of Elementary Education,
DPI Campus,
Chennai – 6.
 - 2.The District Educational Officer,
O/o the District Educational Officer,
Devakottai,
Sivagangai District.
 - 3.The Block Educational Officer,
O/o the Block Educational Officer,
Sakkottai Block,
Karaikudi,
Sivagangai District.
 - 4.The Secretary,
Alagammai Achi Memorial Aided Elementary School,
Pallathur,
Karaikudi Taluk,
Sivagangai District.
- ...Respondents



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सत्यमेव जयते (R4 is impleaded vide order dated 24.10.2019, made in WMP(MD) No. 18826/2019 in WP(MD) No.21727 of 2019 by VMJ)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 and 3 to re-fix the scale of pay of the petitioner, granting the benefit of 7th Pay Commission and to provide the annual increment arrears from the year 2013, medical leave benefits and selection grade pay in the Headmaster post with all consequential benefits in accordance with the proceedings of the respondent No.2 in Na.Ka.No.4527/A3/2018, dated 20.05.2019 within the time period stipulated by this Court.

For Petitioner	: Mr.Karthick for M/s.Lajapathi Roy Associates
For R1 to R3	: Mr.P.T.Thiraviam Government Advocate
For R4	: Mr.S.Kumar

ORDER

The petitioner with a grievance that he has not been paid with the salary from the year 2013, as per 7th pay Commission has approached this Court in the year 2019, seeking a Mandamus.



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2.The learned counsel appearing for the petitioner submits that he was appointed as a Secondary Grade Teacher in the year 1991 in Alagammai Achi Elementary School, a Government Aided School at Pallathur, Sivagangai. Thereafter, the petitioner was promoted as Headmaster. Since the petitioner was not provided with salary and other benefits from the year 2013 as per 7th pay commission, he has filed a writ petition in WP(MD) No.2672 of 2019 and this Court has disposed of that writ petition on 07.02.2019 with a direction to the respondents to consider the petitioner's representation, dated 11.01.2019 and pass appropriate orders on merits and in accordance with law. After the direction of this Court, the second respondent has directed the third respondent to disburse the arrears of annual increments from the year 2013 as per 7th pay commission. Even then, the monetary benefits have not been settled to this petitioner. Therefore, the petitioner has approached this Court in the year 2019.



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3.Today(24.01.2025), when this writ petition is taken up for hearing, the learned counsel appearing for the fourth respondent submits that a proposal has been sent by the fourth respondent School to the Block Educational Officer, Karaikudi/the third respondent herein on 03.01.2025 and the third respondent has to take a call on disbursement of monetary benefits to the petitioner, as per 7th pay commission.

4.The learned Government Advocate appearing for the respondents 1 to 3 claims that the proposal, dated 03.01.2025 was received by them only on 06.01.2025. Since there were certain defects, the proposal was returned to the fourth respondent School on the same day. He further submits that the third respondent has also sent a reminder to the fourth respondent on 13.01.2025 to rectify the mistakes crept in their proposal dated 03.01.2025. however, the same has not been complied with so far. Therefore, they are not in a position to refix the petitioner's salary as per 7th pay Commission.



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5.The learned counsel for the fourth respondent submits that one of the corrections pointed out by the third respondent is that certain entries have to be made in the Service Register of the petitioner. The Service Register is with the Department and therefore, in the event, if the Service Register is provided, necessary entries would be made.

6.The learned Government Advocate appearing for the official respondents submits that apart from the defect pointed out by the petitioner, five other defects have also been mentioned in the return letter, dated 06.01.2025 and the same has to be rectified by the fourth respondent School, enabling them to settle the monetary benefits to the petitioner.

7.This Court considered the rival submissions made and also perused the materials placed on record.

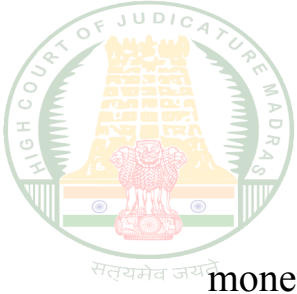


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8.It is very unfortunate that this petitioner has been denied the scale of pay of the 7th pay Commission from the year 2013. The petitioner has approached this Court in the year 2019 and this Court has also directed the respondents to settle the monetary benefits to the petitioner, by considering his representation, dated 11.01.2019. Even thereafter, the respondents have not settled the issue by shifting the blame against each other. Now it is reported that the proposal has been sent by the fourth respondent, however with certain defects. The fourth respondent claims that the service register of the petitioner is with the Department and if they produce the service register, necessary entries would be made in the Service Register and it would be re-submitted.

9.In view of the above, this writ petition is disposed of with a direction to the third respondent to co-operate with the fourth respondent to comply with the defects and ensure that the eligible



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monetary benefits are paid to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

24.01.2025

NCC:Yes/No

Index:Yes

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To

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**Karaikudi Taluk,
Sivagangai District.**



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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.21727 of 2019

24.01.2025